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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,236	03/11/2004	Abhay Sharma	U 015074-0	3561
7590 Ladas & Parry 26 West 61 Street New York, NY 10023		09/04/2008	<div>EXAMINER</div> <div>PERREIRA, MELISSA JEAN</div>	
			<div>ART UNIT</div> <div>1618</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE</div> <div>09/04/2008</div>	<div>DELIVERY MODE</div> <div>PAPER</div>

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/798,236

**Applicant(s)**

SHARMA, ABHAY

**Examiner**

MELISSA PERREIRA

**Art Unit**

1618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 5 and 10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5 and 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Claims 5 and 10 are pending in the application. Claims 6-9 were canceled and claim 10 newly added in the amendment filed 7/17/08.

#### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Response to Arguments***

2. Applicant's arguments filed 7/17/08 have been fully considered but they are not persuasive.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharma et al. (US 6,541,193B2) in view of Wolf et al. (*J. Neuroscience* **2002**, 22, 11035-11044) and Faeldt et al. (US 2004/0076583A1) and further in view of Saba et al. (US 2003/0219782A1) as stated in the office action mailed 1/17/08.

5. Applicant asserts that Sharma et al., Saba et al. and Wolf et al. disclose the use of genetically mutated flies which are not used in the present invention.

6. The instant claims do not exclude genetically mutated flies.
7. Applicant asserts that Wolf et al. describes use of acute ethanol treatment which is different from the chronic treatment claimed.
8. The reference of Wolf et al. was not used to teach of chronic treatment but used to disclose the analysis of the locomotor activity in *Drosophila* via the examination of the locomotor activity. Sharma et al. was used to teach of chronic treatment of *Drosophila melanogaster* with neuroactive drugs and screening the neuroactive drugs by comparing the locomotor activities of a first group of flies fed with normal food and a second group of flies fed with food mixed with an agent. Faeldt et al. was used to teach of the method of screening test agent (i.e. pilocarpine) via monitoring locomotor activity, specifically horizontal and vertical movement. Faeldt et al. was also used to teach that the population of flies chronically contacted with a test agent (p19, [0249]) may be examined at a plurality of times during the life of the fly which encompasses measuring the various locomotor activities in flies contacted with a test agent after they have been removed from the drug containing media of the instant claim 10 (p2, [0010]; p20, [0255-0256]).
9. Applicant asserts that Faeldt et al. describes a method of locomotor recording and mentions adult locomotor effect of acute treatment of adults with addictive substance and with hydroxyurea to *Drosophila* larvae.
10. Faeldt et al. discloses that the flies treated with a test agent may be at any stage of development, e.g. adult, fertilized eggs, embryos, larva, etc. (p5, [0057]) and that the

flies are chronically contacted with a test agent (p19, [0249]) and subsequently examined at a plurality of times during the life of the fly.

11. Applicant asserts that none of the prior art describes measuring long term plasticity.

12. Faeldt et al. also teaches that the population of flies chronically contacted with a test agent (p19, [0249]) may be examined at a plurality of times during the life of the fly and thus measures long term plasticity.

### ***Conclusion***

13. No claims are allowed at this time.

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MELISSA PERREIRA whose telephone number is (571)272-1354. The examiner can normally be reached on 9am-5pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Hartley can be reached on 571-272-0616. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael G. Hartley/  
Supervisory Patent Examiner, Art Unit 1618

/Melissa Perreira/  
Examiner, Art Unit 1618